CHIEF SECRETARIAT

Directs that the period spent by a Government Servant for assisting another Government Servant in disciplinary proceedings be treated as on duty and he should be paid T. A. admissible to him according to Rules.

REF:—(1) Circular No. GAD (S-1) 43 SRR 62, dated 1st January, 1962.

(2) Official Memorandum No. GAD 72 SRR 62 dated 25th September, 1962.

OFFICIAL MEMORANDUM

No. GAD 127 SRR 63, BANGALORE, DATED 9th JANUARY 1964
(PUSHYA 19, SAKA ERA 1885).

According to Rule 11 (5) of the Mysore Civil Services (C.C.A.) Rules, 1957, a Government servant may present his case with the assistance of any other Government servant approved by the disciplinary authority or specially empowered authority as the case may be. Instructions have been issued in O.M. cited second that when a Government servant goes to help another Government servant whose conduct is under enquiry, he should get the permission of the appointing authority before he undertakes to defend another Government servant and the absence of such a defending Government servant should be treated as such leave as he is entitled to and that no T. A. should be paid to him as no public interest is served in defending a Government servant against whom disciplinary proceedings are being taken.

The question has been examined again and Government have decided that where permission is granted under Rule 11 (5) of the C.C.A. Rules to a delinquent Government servant to engage the services of a brother official to defend him, the proper view to take would be that Government in the public interest agrees to provide the delinquent Government servant with the services of a brother official without detriment to the normal duties of that other official but at Government's expense. Government therefore consider that such a Government servant should be deemed to participate in the proceedings to assist the Enquiry Officer in performing his duties and in arriving at right and proper conclusions and therefore the time spent by him should be treated as duty. It is accordingly directed that the period spent by such a Government servant whose assistance has been approved by the disciplinary authority or the specially empowered authority as the case may be, in a disciplinary proceedings even though it is at the instance of the delinquent Government servant should be treated as on duty and he should be paid T. A. admissible to him according to Rules as it is in the interest of public service.

P. VENKATRAMAN
Deputy Secy. to Govt., G. A. D. (O. & M.)